

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 14, 1998

Regulation Package #0696-27

CDSS MANUAL LETTER NO. CCL-98-07

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 3, ADULT DAY CARE FACILITIES

Regulation Package #0696-27**Effective 10/1/98****Sections 82065.5, 82068.2, 82068.3**

Assembly Bill (AB) 2835, Chapter 517, Statutes of 1996, required the Department to implement regulations to specify those medical services that may be provided in adult CCFs, under what circumstances they may be allowed, and the medical conditions that are not allowed in an adult CCF. Prior to this, there were no regulations to address incidental medical services.

These regulations implement the following changes: 1) the definition section is amended to add a term for "Needs and Services Plan" which was not previously defined; 2) the staffing requirements are amended; 3) existing sections were given new titles and amended to address the Needs and Services Plan and Modifications to that plan, and 4) sections are amended to make minor editorial changes for clarity and consistency throughout the regulations.

These regulations were originally adopted on an emergency basis and became effective February 1, 1997. Since that time public hearings were held and changes were made to the regulations. This package represents the final regulations which became effective October 1, 1998.

These regulations were considered at the Department's public hearings held on March 24 through 28, 1997

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-98-06. The latest prior manual letter containing Foster Family Homes regulations changes was Manual Letter No. CCL-94-02.

Please replace your entire manual with the attached pages.

Attachment

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Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

**ADULT DAY CARE
FACILITIES**

**Title 22
Division 6
Chapter 3**



**STATE OF CALIFORNIA
Gray Davis, Governor
HEALTH AND HUMAN SERVICES AGENCY
Grantland Johnson, Secretary
DEPARTMENT OF SOCIAL SERVICES
Rita Saenz, Director**

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October 1998

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ADULT DAY CARE FACILITIES

This Users' Manual is issued as an operational tool.

This Manual contains:

- (a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- (b) Regulations adopted by other State Departments affecting CDSS programs
- (c) Statutes from appropriate Codes which govern CDSS programs
- (d) Court decisions and
- (e) Operational standards by which CDSS staff will evaluate performance within CDSS programs

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by **graphic screen**.

Questions relative to this Users' Manual should be directed to your usual program policy office.

CHAPTER 3. ADULT DAY CARE FACILITIES**Article 1. General Requirements****82000 GENERAL****82000**

- (a) Adult day care facilities, as defined in Section 80001a(3), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

Article 2. Licensing**82009 POSTING OF LICENSE****82009**

- (a) In facilities with a licensed capacity of seven or more, the license shall be posted in a prominent publicly accessible location in the facility.
- (b) In facilities with a licensed capacity of six or fewer, the license shall be retained in the facility and be available for review upon request.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

Article 3. Application Procedures (Reserved)**Article 4. Administrative Actions (Reserved)****Article 5. Civil Penalties (Reserved)**

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Article 6. Continuing Requirements**82064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES****82064**

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult day care facilities shall have an administrator.
 - (1) A licensee who is responsible for two or more adult day care facilities shall be permitted to serve as an administrator of one or more of the facilities, provided he/she meets the requirements of Section 80064 and (e) below.
- (c) The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (d) When the administrator is absent from the facility, there shall be coverage by a substitute designated by the licensee, who meets the qualifications of Section 80065, who shall be capable of and responsible and accountable for management and administration of the facility in compliance with applicable law and regulation.
 - (1) When the administrator is absent from the facility for more than 30 consecutive days, the licensee shall designate a substitute who meets the qualifications of an administrator as specified in Section 80064 and (e) below.
- (e) The administrator shall meet the requirements specified below.
 - (1) The administrator of a facility with a licensed capacity of six or fewer clients shall meet the qualifications of Section 80064(a).
 - (2) The administrator of a facility with a licensed capacity of seven or more clients shall have a high school education or equivalent, and shall have had at least two years experience or training in one of the following:
 - (A) Care and supervision of clients in a licensed day care facility.
 - (B) Care and supervision of one or more of the categories of persons to be served by the facility.
- (f) Administrators employed prior to the effective date of this section shall remain qualified provided that they have no break in employment as an adult day care facility administrator exceeding three consecutive years.

82064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)**82064**

- (g) The administrator shall:
- (1) Provide for continuous supervision of clients.
 - (2) Supervise the operation of the facility.
 - (3) Comply with applicable law and regulation.
 - (4) Communicate with the department as required by applicable law and regulation.
 - (5) Acknowledge the receipt of any deficiency notices.
 - (6) Correct any deficiencies including any that constitute immediate threats to the health and safety of clients.
 - (7) Provide for program adjustments to accommodate the needs of clients.
 - (8) Ensure the safety of clients who wander, have vision or hearing impairments, or have other special needs for care and supervision.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82065 PERSONNEL REQUIREMENTS**82065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall provide for an overlap of staff at each shift change to ensure continuity of care.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82065.1 PERSONNEL QUALIFICATIONS AND DUTIES**82065.1**

- (a) Support staff shall perform the following duties:
- (1) Office work.
 - (2) Cooking.
 - (3) Housecleaning.
 - (4) Maintenance of facility buildings, grounds, fixtures, furniture, equipment, and supplies.
- (b) Care staff shall be responsible for care and supervision, as defined in Section 80001c.(2), of clients.
- (1) Care staff shall not be assigned to any of the support staff duties specified in (a) above unless the care and supervision needs of clients have been met.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82065.5 STAFF-CLIENT RATIOS**82065.5**

- (a) There shall be an overall ratio of not less than one staff member providing care and supervision for each 15 clients present.
- (b) Whenever a client who relies upon others to perform all activities of daily living is present, the following minimum staffing requirements shall be met:
- (1) For Regional Center clients, staffing shall be maintained as specified by the Regional Center.
 - (2) For all other clients, there shall be a staff-client ratio of no less than one direct care staff to four such clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1511, and 1531, Health and Safety Code.

82068.2 NEEDS AND SERVICES PLAN**82068.2**

- (a) Prior to admission, the licensee shall determine whether the facility's program can meet the prospective client's service needs.
- (b) If the client is to be admitted and has no restricted health condition(s) as specified in Section 80092, then, no later than 30 days after admission, the licensee shall complete a written Needs and Services Plan that must include:
 - (1) The client's desires and background and formal supports, obtained from the client's family or his/her authorized representative, if any, regarding the following:
 - (A) Admission to the facility.
 - (B) Medical information including primary physician, health problems and medical history, prescribed medications and their strength, quantity required and purpose.
 - (C) Mental and emotional functioning.
 - (D) Functional limitations including physical impairments or concerns.
 - (1) The licensee may use Section 80069.2 for assistance.
 - (E) Specific service needs, if any.
 - (2) Scheduled days of attendance.
 - (3) Transportation arrangements.
- (c) If the client is to be admitted, and has a restricted health condition as specified in Section 80092(c) then, the licensee shall develop the Needs and Services Plan prior to admission.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

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| 82068.3 | MODIFICATIONS TO NEEDS AND SERVICES PLAN | 82068.3 |
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- (a) The written Needs and Services Plan specified in Section 82068.2 must be updated as frequently as necessary to ensure its accuracy, and to document significant occurrences that result in changes in the client's physical, mental and/or social functioning.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

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| 82075 | HEALTH-RELATED SERVICES | 82075 |
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- (a) In addition to Section 80075, the following shall apply.
- (b) The licensee shall obtain, from the client or his/her authorized representative, an authorization to secure for the client necessary emergency medical services.
- (1) Such authorization shall be maintained on file in the facility.
- (2) The licensee shall not be required to obtain such an authorization from clients who adhere to a religious faith practicing healing by prayer or other spiritual means.
- (A) Under such circumstances, the licensee shall obtain a statement from the client or his/her authorized representative which states the adherence to such religion.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

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| 82075.1 | DAILY INSPECTION FOR ILLNESS | 82075.1 |
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- (a) The licensee shall ensure that clients with obvious symptoms of illness are not accepted unless they are separated from other clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

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| 82076 | FOOD SERVICE | 82076 |
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- (a) In addition to Section 80076, the following shall apply.
- (b) A client in care for less than eight hours shall be provided meals and snacks so that no more than three and a half hours elapses between food service.
- (c) A client in care for a period of eight hours or longer, shall be provided a midmorning snack, lunch and a midafternoon snack.
- (d) A licensee who accepts a client at 7:00 a.m. or earlier shall include a provision in the admission agreement of that client, stating whether or not breakfast will be provided by the facility.
- (e) Clients shall be permitted to bring their own food to the facility.
 - (1) If the client brings all or part of his/her own food to the facility, the licensee shall ensure that the food service requirements specified in (b) and (c) above, are met.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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| 82078 | RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION | 82078 |
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- (a) In addition to Section 80078, the following shall apply.
 - (1) The licensee shall provide care and supervision necessary to meet the client's needs and all services specified in the admission agreement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82079 PLANNED ACTIVITIES**82079**

- (a) The licensee shall provide opportunities for, and encourage participation in activities, including but not limited to:
- (1) Activities that require group interaction.
 - (2) Daily living skills, including grooming, personal hygiene, social skills, cooking and simple homemaking tasks, and opportunities to learn about the community.
 - (3) Physical activities, including, but not limited to, games, sports and exercise unless contraindicated by the medical assessment specified in Section 80069.
 - (4) Leisure time to pursue personal interests.
 - (5) Education through special instruction and projects.
- (b) Provision shall be made for client rest periods which are required based on the medical assessment specified in Section 80069 or as desired by the client.
- (c) Activities shall be encouraged through provision of space, equipment and supplies as specified in Sections 82087.2, 82087.3 and 82088(e).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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Article 7. Physical Environment**82087 BUILDINGS AND GROUNDS****82087**

- (a) In addition to Section 80087, the following shall apply.
- (b) There shall be office space available on the premises for private interviews conducted by facility staff.
- (c) Rooms or areas for rest periods shall be provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82087.2 OUTDOOR ACTIVITY SPACE**82087.2**

- (a) The licensee shall ensure access to safe outdoor activity space for the clients.
- (b) The outdoor activity space shall be situated to:
 - (1) Provide protection from traffic.
 - (2) Provide a shaded rest area for the clients.
- (c) If outdoor activity space is not available on the premises, space meeting the requirements of Sections 82087.2(a) and (b) above shall be provided at another location, which shall be specified in the facility plan of operation, unless the facility has been granted a waiver.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82087.3 INDOOR ACTIVITY SPACE**82087.3**

- (a) An area shall be provided for quiet reading and study.

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- (1) This area can be a library, study room or similar area.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82087.4 STORAGE SPACE**82087.4**

- (a) There shall be space available for storage of clients' personal belongings.
- (b) There shall be space available for storage of equipment and supplies necessary to implement the planned activity program.
- (c) There shall be space available for storage of staff members' personal belongings.
- (d) There shall be space available on the premises for storage of the facility records specified in this chapter and Chapter 1.

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- (e) Storage space may be either permanent or portable.

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| 82088 | FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES | 82088 |
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- (a) In addition to Section 80088, the following shall apply.
- (b) Based upon the total licensed capacity, one handwashing facility, and one toilet providing individual privacy, shall be maintained for every 15 clients, or fraction thereof.
 - (1) Facilities licensed on the effective date of this chapter shall be permitted to continue operations with the toilet facilities previously approved.
- (c) Use of common towels and washcloths shall be prohibited.
- (d) If beds are provided for resting, they shall be arranged to allow for unobstructed passage of personnel and of clients with assistive devices including but not limited to wheelchairs and walkers.
- (e) Facilities shall provide the equipment and supplies necessary to meet the requirements of the planned activity program.
 - (1) Equipment shall be safe and sanitary.
 - (2) A variety of games, reading material, crafts and other materials shall be provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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| 82088.2 | DRINKING WATER | 82088.2 |
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- (a) Clean drinking water shall be readily available to all clients at all times.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

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